

SENATE BILL 157

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5, relative to the punishment for the offenses of rape of a child and aggravated rape of a child.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-522, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) A first conviction for rape of a child is a Class A felony.

(2) A second or subsequent conviction for rape of a child or a conviction for rape of a child with a prior conviction for aggravated rape of a child under § 39-13-531, is punished by:

(A) Imprisonment for life; or

(B) Imprisonment for life without possibility of parole.

(c) The procedure, requirements and guidelines for imposing punishment and execution of sentence for a violation of subsection (b)(2) of this section shall be the same as that provided in part 2 of this chapter for the offense of murder in the first degree.

(d) The provisions of subsection (b)(2) of this section authorizing a punishment of imprisonment for life or imprisonment for life without possibility of parole shall only apply if at least one (1) of the required offenses occurred on or after July 1, 2007.

SECTION 2. Tennessee Code Annotated, Section 39-13-531, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) A first conviction for aggravated rape of child is a Class A felony and shall be sentenced within Range III, as set forth in title 40, chapter 35.

(2) A second or subsequent conviction for aggravated rape of a child shall be punished by:

(A) Imprisonment for life;

(B) Imprisonment for life without possibility of parole; or

(C) Death.

(3) A first conviction for aggravated rape of a child with a prior conviction for rape of a child is punished as provided in § 39-13-522(b)(2).

(c) The procedure, requirements and guidelines for imposing punishment and execution of sentence for a violation of this section shall be the same as that provided in part 2 of this chapter for the offense of murder in the first degree.

(d)

(1) The provisions of subsection (b)(2) of this section authorizing a punishment of imprisonment for life, imprisonment for life without possibility of parole, or death shall only apply if at least one (1) of the required offenses occurred on or after July 1, 2007.

(2) The provisions of subsection (b)(3) of this section authorizing a punishment of imprisonment for life or imprisonment for life without possibility of parole shall only apply if at least one (1) of the required offenses occurred on or after July 1, 2007.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.